



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. VA0054330

Effective Date: 26 August 2008
Expiration Date: 25 August 2013

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTION DISCHARGE ELIMINATION SYSTEM
AND

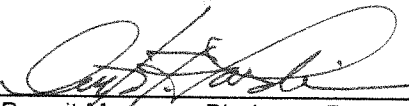
THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I - Effluent Limitations and Monitoring Requirements, and Part II - Conditions Applicable To All VPDES Permits, as set forth herein.

OWNER: Hammaker East, LTD.
FACILITY NAME: Hammaker East, LTD.
COUNTY: Chesterfield
FACILITY LOCATION: 7700 Fort Darling Road

The owner is authorized to discharge to the following receiving stream:

STREAM: Unnamed Tributary to the James River
RIVER BASIN: James River (Lower)
RIVER SUBBASIN: N/A
SECTION: 1a
CLASS: III
SPECIAL STANDARDS: None


Water Permit Manager, Piedmont Regional Office

8/25/08
Date

2. During the period beginning with the end of the permit's compliance schedule⁽³⁾ and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall number 001(dike release through the oil water separator).

a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITS			MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	MINIMUM	MAXIMUM	FREQUENCY	SAMPLE TYPE
Flow, MGD	NL	NA	NL	1/Month	Estimate
pH (standard units)	NA	6.0	9.0	1/Month	Grab
Total Petroleum Hydrocarbons (TPH) ⁽¹⁾	10 ⁽²⁾ mg/L	NA	15 mg/L	1/Month	Grab
Total Organic Carbon (TOC)	NA	NA	110 ⁽²⁾ mg/L	1/Month	Grab
Total Suspended Solids (TSS)	15 mg/L	NA	23 mg/L	1/Month	Grab
Total Recoverable Copper ⁽³⁾	4.1 µg/L	NA	4.1 µg/L	1/Month	Grab
Total Recoverable Zinc ⁽³⁾	40 ⁽²⁾ µg/L	NA	40 ⁽²⁾ µg/L	1/Month	Grab
Total Recoverable Lead ⁽³⁾	3.9 µg/L	NA	3.9 µg/L	1/Month	Grab
Dissolved Oxygen (D.O.) ⁽³⁾	NA	5.0 mg/L	NA	1/Month	Grab
Chemical Oxygen Demand	NL	NA	NL	1/Month	Grab

"NL" means no limitation is established. Monitoring and reporting, however, are required.
"NA" means not applicable.

- (1) TPH shall be analyzed using EPA SW 846 Method 8015C (2007) for diesel range organics, or by EPA SW 846 Method 8270D (2007). If Method 8270D (2007) is used, the lab must report the total of diesel range organics and polynuclear aromatic hydrocarbons.
- (2) These limitations are expressed in two significant figures.
- (3) Refer to Part I.B.9 for compliance schedule.
- b. There shall be no discharge of tank bottom waters.
- c. There shall be no discharge of floating solids or visible foam in other than trace amounts.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)**

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

NAME Hamaker East Limited
ADDRESS PO Box 34238
Richmond VA 23234

FACILITY LOCATION Fort Darling Road, approximately 2000 feet north
of Bellwood Road (SR656), adjacent to I-95 and acr

Industrial Minor 08/25/2008

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Piedmont Regional Office
4949-A Cox Road

Glen Allen VA 23060

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
BEFORE COMPLETING THIS FORM.

VA0054330		001	
PERMIT NUMBER		DISCHARGE NUMBER	
MONITORING PERIOD			
YEAR	MO	DAY	TO

FROM

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
001 FLOW	REPORTD			*****	*****	*****			
	REQRMNT	NL	MGD	*****	*****	*****		1/M	EST
002 PH	REPORTD	*****			*****				
	REQRMNT	*****		6.0	*****	9.0	SU	1/M	GRAB
004 TSS	REPORTD	*****		*****					
	REQRMNT	*****		*****	15	23	MG/L	1/M	GRAB
008 COD	REPORTD	*****		*****					
	REQRMNT	*****		*****	NL	NL	MG/L	1/M	GRAB
059 CARBON, TOTAL ORGANIC	REPORTD	*****		*****	*****				
	REQRMNT	*****		*****	*****	110	MG/L	1/M	GRAB
203 COPPER, TOTAL RECOVERABLE	REPORTD	*****		*****					
	REQRMNT	*****		*****	20	20	UG/L	1/M	GRAB
257 PETROLEUM HYDROCARBONS, TOTAL RECOVERABLE	REPORTD	*****		*****					
	REQRMNT	*****		*****	10	15	MG/L	1/M	GRAB
ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS	REPORTD								
	REQRMNT							*****	

BYPASSES AND OVERFLOWS		TOTAL FLOW(M.G.)		TOTAL BOD5(K.G.)		OPERATOR IN RESPONSIBLE CHARGE		DATE	
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. SEE 18 U.S.C. & 1001 AND 33 U.S.C. & 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)									
						TYPED OR PRINTED NAME		SIGNATURE	
						PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE	
						TYPED OR PRINTED NAME		SIGNATURE	
						CERTIFICATE NO.		YEAR	
						MO.		DAY	

THIS REPORT IS REQUIRED BY LAW (33 U. S. C. § 1318 40 CFR 122.41(i)(4)(i)). FAILURE TO REPORT OR FAILURE TO REPORT TRUTHFULLY CAN RESULT IN CIVIL PENALTIES NOT TO EXCEED \$10,000 PER DAY OF VIOLATION: OR IN CRIMINAL PENALTIES NOT TO EXCEED \$25,000 PER DAY OF VIOLATION OR BY IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR BOTH.

GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces are blank or a limitation appears, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and, if appropriate, maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".
 $\text{KG/DAY} = \text{Concentration (mg/l)} \times \text{Flow (MGD)} \times 3.785$.
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. Enter the number of samples which do not comply with the maximum and /or minimum permit requirements in the "reported" space in the column marked "No. Ex.".
7. Enter the actual frequency of analysis for each parameter (number of times per day, week, month) in the "reported" space in the column marked "Frequency of Analysis".
8. Enter the actual type of sample collected for each parameter in the "reported" space in the column marked "Sample Type".
9. Enter additional required data or comments in the space marked "additional permit requirements or comments".
10. Record the number of bypasses during the month, the total flow in million gallons and BOD5 in kilograms in the proper columns in the section marked "Bypasses and Overflows".
11. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator, the operator's certificate number should be reported in the space provided.
12. The principal executive officer should then review the form and sign in the space provided and provide a telephone number where he/she can be reached.
13. You are required to sample at the frequency and type indicated in your permit.
14. Send the completed form to your Dept. of Environmental Quality Regional Office by the 10th of each month.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each violation by date.
17. If you have any questions, contact the Dept. of Environmental Quality Regional Office.

6. **Operation and Maintenance Manual Requirement** The permittee shall review the existing Operations and Maintenance (O & M) Manual and notify the DEQ Regional Office in writing within 90 days of the effective date of this permit whether it is still accurate and complete. If the O & M Manual is no longer accurate and complete, a revised O & M Manual shall be submitted for approval to the DEQ Regional Office within 90 days of the effective date of this permit or with the above required notification. The permittee will maintain an accurate, approved operation and maintenance manual for the treatment works. This manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of the permit. The permittee shall operate the treatment works in accordance with the approved O & M Manual. This manual shall include, but not necessarily be limited to, the following items, as appropriate:
- Techniques to be employed in the collection, preservation, and analysis of effluent samples;
 - Discussion of Best Management Practices, if applicable;
 - Treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping;
 - A plan for the management and/or disposal of waste solids and residues;
 - Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.B.2 that will prevent these materials from reaching state waters; and
 - Procedures for measuring and recording the duration and volume of treated wastewater discharged.

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O & M Manual shall be deemed a violation of the permit.

7. **Compliance Reporting**

- a. The maximum quantification level (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
Total Petroleum Hydrocarbons (TPH)	5.0 mg/L
Total Organic Carbon (TOC)	5.0 mg/L
Total Suspended Solids	1.0 mg/l
Total Residual Chlorine	0.10 mg/l
Total Recoverable Copper	1.6 ug/L
Total Recoverable Zinc	16 ug/L
Total Recoverable Lead	1.6 ug/L

- b. Reporting

Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in a. above shall be determined as follows: All concentration data below the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL listed in a. above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data and flow data for each sample day to determine the daily quantity and report the average of the calculated daily quantities.

Daily Maximum --Compliance with the daily maximum limitations and/or reporting

<u>Parameter</u>	<u>Discharge Maximum Limitation (µg/L)</u>	<u>Maximum Quantification Level (µg/L) ⁽²⁾</u>
Total Suspended Solids	NL	1 mg/L
Total Petroleum Hydrocarbons	15 mg/L	5.0 mg/L
Total Organic Carbon (TOC)	NL	2.0 mg/L

(1) Benzene, Toluene, Ethylbenzene and Total Xylenes shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136, 2007) or EPA SW 846 Method 8021B (1996).

(2) Quantification level (QL) is defined as the lowest concentration used for the calibration of a measurement system when the calibration is in accordance with the procedures published for the required method. Quality control and quality assurance information shall be submitted to document that the required quantification level has been attained.

9. **Schedule of Compliance for Dissolved Oxygen and Total Recoverable Copper, Zinc and Lead.**

The permittee shall achieve compliance with the final Dissolved Oxygen and Total Recoverable Copper, Zinc, and Lead limitations and monitoring requirements specified in Part I.A.2 of the permit according to the following schedule:

Prepare Progress Reports	Annually from the effective date of the permit
Achieve Compliance with Final Effluent Limitation	Within 4 years of the effective date of the permit.

The interim copper limitations included in Part I.A of this permit shall remain in effect during the compliance period. Monitoring and reporting of this parameter is required, and sample results shall be reported with each monthly Discharge Monitoring Report (DMR). Upon completing the compliance schedule, the interim copper limitations required in Part 1.A.1 shall no longer be required and the final dissolved oxygen and total recoverable copper, zinc and lead limitations in Part I.A.2 shall be effective.

No later than 14 calendar days following all compliance dates identified in the above schedule of compliance, the permittee shall submit to the DEQ Piedmont Regional Office, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial action taken, and the probability of meeting the next scheduled requirement.

10. **Storm Water Monitoring**

A completed EPA Form 2F shall be submitted for outfall 902 no later than one year following the effective date of this permit. Following an evaluation of the required information, this permit may be modified, or alternatively, revoked and reissued in order to incorporate additional or different permit conditions.

11. **Whole Effluent Toxicity Monitoring**

a. The permittee shall conduct one set of acute biological toxicity tests from the first discharge event following permit issuance. The acute multi-dilution NOAEC tests to use are:

48-Hour Static Acute test using *Ceriodaphnia dubia*

48-Hour Static Acute test using *Pimephales promelas*

practicable permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

2. Recording of Results: For each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the Discharge Monitoring Reports (DMRs) the following information:

- a. The date and duration (in hours) of the storm event(s) sampled;
- b. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and
- c. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

In addition, the permittee shall maintain a monthly log documenting the amount of rainfall received at this facility on a daily basis. A summarization of this information shall also be submitted with the DMRs.

3. Sampling Waiver: When a permittee is unable to collect storm water samples required in Part I.A or other applicable sections of this permit within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

4. Representative Discharges: When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes substantially identical effluents are discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also apply to the substantially identical outfall(s) provided that: (1) the representative outfall determination has been approved by DEQ prior to data submittal; and, (2) the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents.

5. Quarterly Visual Examination of Storm Water Quality:

- a. The permittee must perform and document a quarterly visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination must be made during daylight hours (e.g., normal working hours). If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation must be signed and certified in accordance with Part II K of this permit.
- b. Visual examinations must be made of samples collected within the first 30 minutes (or as soon thereafter as practical but not to exceed one hour) of when the runoff or snowmelt begins discharging from the facility. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All samples (except snowmelt samples) must be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72

- (11) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).
- b. Except for flows from fire fighting activities, the Storm Water Pollution Prevention Plan must include:
- (1) Identification of each allowable non-storm water source;
 - (2) The location where the non-storm water is likely to be discharged; and
 - (3) Descriptions of any BMPs that are being used for each source.
- c. If mist blown from cooling towers is included as one of the allowable non-storm water discharges from the facility, the permittee must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower, and must select and implement BMPs to control such discharges so that the levels of cooling tower chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard.
7. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities: The discharge of hazardous substances or oil in the storm water discharge(s) from the facility shall be prevented or minimized in accordance with the storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302 or § 62.1-44.34:19 of the Code of Virginia. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117 or 40 CFR 302 occurs during a 24-hour period:
- a. The permittee is required to notify the Department in accordance with the requirements of Part II G of this permit as soon as he or she has knowledge of the discharge;
 - b. Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner or the MS4; and
 - c. The storm water pollution prevention plan required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.
8. Additional Requirements for Salt Storage: Storage piles of salt used for deicing or other commercial or industrial purposes must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile). Piles do not need to be enclosed or covered where storm water from the pile is not discharged to state waters or the discharges from the piles are authorized under another permit.

D. Storm Water Pollution Prevention Plan

Refer to Part E for sector-specific storm water management requirements.

A storm water pollution prevention plan (SWPPP) for the facility was required to be developed and implemented under the previous permit. The existing storm water pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this section.

The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan as a condition of this permit.

- (g) Locations of storm water outfalls and an approximate outline of the area draining to each outfall;
 - (h) Location and description of non-storm water discharges;
 - (i) Locations of the following activities where such activities are exposed to precipitation: processing and storage areas; access roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery; and
 - (j) Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (the permittee may include an evaluation of how the quality of the storm water running onto the facility impacts the facility's storm water discharges).
- (4) Receiving Waters and Wetlands. The name of the nearest receiving water(s), including intermittent streams, dry sloughs, arroyos and the areal extent and description of wetland sites that may receive discharges from the facility.
- c. Summary of Potential Pollutant Sources: The plan shall identify each separate area at the facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, intermediate products, byproducts, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description must include:
 - (1) Activities in Area: A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and
 - (2) Pollutants: A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years before being covered under this permit and the present.
- d. Spills and Leaks: The SWPPP must clearly identify areas where potential spills and leaks that can contribute pollutants to storm water discharges can occur and their accompanying drainage points. For areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility to be covered under this permit, the plan must include a list of significant spills and leaks of toxic or hazardous pollutants that occurred during the three-year period prior to the date of the submission of the application for this permit. The list must be updated if significant spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include releases of oil or hazardous substances in excess of reportable quantities, and may also include releases of oil or hazardous substances that are not in excess of reporting requirements.
- e. Sampling Data: The plan must include a summary of existing discharge sampling data taken at the facility, and must also include a summary of sampling data collected during the term of this permit.
- f. Storm Water Controls: The SWPPP shall include a description of storm water management controls appropriate for the facility. The description of controls shall address the following minimum components:
 - (1) Description of Existing and Planned BMPs: The plan shall describe the type and location of existing nonstructural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to storm water. All the areas identified in Part D.2.c (Summary of Potential Pollutant Sources) should have a BMP(s) identified for the area's discharges. For areas where BMPs are not currently in place, include a description of appropriate BMPs that will

leaks must be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265.

- 5) Routine Facility Inspections: Facility personnel who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan shall be identified to inspect all areas of the facility where industrial materials or activities are exposed to storm water. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part D.4, and must include an evaluation of the existing storm water BMPs. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit. Any deficiencies in the implementation of the SWPPP that are found must be corrected as soon as practicable, but not later than within 14 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections must be documented in the SWPPP, along with any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified.
- 6) Employee Training: The SWPPP must describe the storm water employee training program for the facility. The description should include the topics to be covered, such as spill response, good housekeeping, and material management practices, and must identify periodic dates for such training (e.g., every six months during the months of July and January). Employee training must be provided for all employees who work in areas where industrial materials or activities are exposed to storm water, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The training should inform employees of the components and goals of the SWPPP.

(b) Structural BMPs:

- 1) Sediment and Erosion Control: The plan shall identify areas at the facility that, due to topography, land disturbance (e.g., construction), or other factors, have a potential for significant soil erosion. The plan must identify structural, vegetative, and/or stabilization BMPs that will be implemented to limit erosion.
- 2) Management of Runoff: The plan shall describe the traditional storm water management practices (permanent structural BMPs other than those that control the generation or source(s) of pollutants) that currently exist or that are planned for the facility. These types of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site. The plan shall provide that all measures that the permittee determines to be reasonable and appropriate, or are required by a state or local authority shall be implemented and maintained. Factors for the permittee to consider when selecting appropriate BMPs should include:
 - a) The industrial materials and activities that are exposed to storm water, and the associated pollutant potential of those materials and activities; and
 - b) The beneficial and potential detrimental effects on surface water quality, ground water quality, receiving water base flow (dry weather stream flow), and physical integrity of receiving waters.

Structural measures should be placed on upland soils, avoiding wetlands and floodplains, if possible. Structural BMPs may require a separate permit under § 404 of the CWA before installation begins.

- 3) Example BMPs: BMPs that could be used include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural

implementation must be completed before the next anticipated storm event, if practicable, but not more than 12 weeks after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the director;

- c. Compliance Evaluation Report: A report summarizing the scope of the inspection, name(s) of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP, and actions taken in accordance with Part D.4.b shall be made and retained as part of the SWPPP for at least three years from the date of the inspection. Major observations should include: the location(s) of discharges of pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part II K of this permit; and
- d. Where compliance evaluation schedules overlap with routine inspections required under Part D.2.f.(2)(a) 5), the annual compliance evaluation may be used as one of the routine inspections.

5. Signature and Plan Review

- a. Signature/Location. The plan shall be signed in accordance with Part II K of this permit, and retained on-site at the facility covered by this permit in accordance with Part II B 2 of this permit.
- b. Availability. The permittee shall make the SWPPP, annual site compliance inspection report, and other information available to the department upon request.
- c. Required Modifications. The director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this permit. The notification shall identify those provisions of the permit that are not being met, as well as the required modifications. The permittee shall make the required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the director, and shall submit a written certification to the director that the requested changes have been made.

6. Maintaining an Updated SWPPP: The permittee shall amend the SWPPP whenever:

- a. There is a change in design, construction, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;
- b. During inspections, monitoring, or investigations by facility personnel or by local, state, or federal officials it is determined that the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources identified under Part D.2.c, or is otherwise not achieving the general objectives of controlling pollutants in discharges from the facility.

7. Special Pollution Prevention Plan Requirements:

- a. Additional Requirements for Storm Water Discharges Associated With Industrial Activity That Discharge Into or Through Municipal Separate Storm Sewer Systems.
 - (1) In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

**Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060**

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (804) 527-5020 (voice) or (804) 527-5106 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent

overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- (3) The permittee submitted notices as required under Part II U 2.

- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II I; and
 - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.